IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 985 OF 2004

Office notes, office Memoranda of Coram, appearances, Court's orders or directions & Registrar's orders	:	Court's or Judge's Orders

CORAM: R.S.Mohite, J.
DATE : 13th January, 2006.

P.C.:

1. This is an appeal filed by the State impugning the judgment and order passed by the Judicial Magistrate First Class, Kurundwad on 30/04/2004 acquitting the accused for the offences punishable under section 429, 427, 504, 506 of the Indian Penal Code and sections 11(1) (1) of the Prevention of Cruelty to Animals Act, 1960. On perusal of the impugned judgment and order, it is clear that reasons given are cogent and acceptable. Accused is said to have assaulted and externally injured genitals of the buffalo belonging to

the complainant's family. Out of the six witnesses, three were not examined and out of the remaining three witnesses, P.W.5-Sampat did not support the prosecution case, P.W.4-Shobha claimed to have seen the incident but in her cross-examination, she admitted that she reached the spot two minutes after the incident. Last eye witness P.W.6-Prakash did not support the prosecution case in his examination in chief. Contradictions were brought in his cross-examination. Eye witnesses were held to be unreliable. In the circumstances, view taken is a possible view. Hence, leave is refused and consequently, the appeal stands dismissed.

(R.S.Mohite, J.)